

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

NO. 04 10299 PBS – 11

HOWARD GREENBERG

**MOTION OF DEFENDANT TO PRECLUDE THE GOVERNMENT'S
ATTORNEY FROM PRESENTING JENCKS ACT
MATERIAL TO THE DEFENDANT'S COUNSEL IN FRONT OF THE JURY**

The defendant in the above entitled matter moves this Honorable Court for an order to preclude the Government's attorney from presenting Jencks Act material to counsel for the defendant in front of the jury.

The defendant respectfully suggests to this Honorable Court that the Government's attorney should present said material to counsel for the defendant not in the view of the jury so that the jury does not get the idea that the Government is doing something for the defendant as well as prosecuting him.

See Gregory v. United States, 369 F.2d 185 (D.C. Cir. 1966); United States v. Gardin, 382 F.2d 601 (2d Cir. 1967).

REQUEST FOR ORAL ARGUMENT

Defendant believes that oral argument will assist the Court and requests a hearing on this motion. Local Rule 7.I (D).

/s/Roger Witkin
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Dated: May 31, 2005
federal\F104

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CERTIFICATE OF SERVICE

I hereby certify that on this day a courtesy true copy of the within document was served upon AUSA Neil J. Gallagher, Jr., United States Attorney's Office, 1 Courthouse Way, Suite 9200, Boston, MA 02210 and to the attached service list by mail which was electronically filed this day.

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UNITED STATES V. HOWARD GREENBERG
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